IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6396 OF 2006

Smt.Dhirottama Vivek Joshi
Through her Power of Attorney
holder, Shri Prabhakar M.Kondhalkar .. Petitioner.
Vs.
Shri Bhalchandra Vinayak
Joshi & Others .. Respondents.

Mr.Tanaji Mhatugade i/b Shri Sugandh B.Deshmukh for the petitioner.

CORAM : D.B.BHOSALE, J.

DATED : 26TH SEPTEMBER, 2006

P.C.:

. Heard learned counsel for the petitioner.

2. This writ petition is directed against the concurrent findings recorded by the courts below on application at Exhibit-5 filed by the petitioner in regular civil suit no.1352 of 2005. By the application at Exhibit-5 the petitioner has sought an appointment of the court receiver. The application was rejected by the trial Court vide order dated 9.12.2005. That order was carried in appeal by the petitioner and the appeal also came to be dismissed vide judgment and order dated 26.4.2006. I perused the impugned judgments. The courts below, after having considered the facts and circumstances of the

case have concurrently held that there is no need for appointing the court receiver. The impugned orders, in any case, cannot be termed as perverse warranting interference by this court under Article 227 of the Constitution of India. Considering the concurrent findings recorded by the courts below and as I find there is sufficient material on record to sustain those findings and considering the extremely limited jurisdiction of this court to disturb the findings of facts, this writ petition cannot be entertained. The writ petition is, accordingly, dismissed. The trial Court shall decide the suit on merits in accordance with law and without being influenced by the orders impugned in the present writ petition. The writ petition is disposed of.

(D.B.Bhosale, J.)